

REMARKS

Claims 1, 3, 5-7, 10, 11, 13-21, 23-31, and 34-44 are pending in this application. Non-elected claims 17-20 and 24-29 have been withdrawn from consideration by the Examiner. By this Amendment, claims 1, 3, 5, 7, 10, 11, 13, 14, 24, 26, 29, 30, 37, and 38 are amended; claims 32 and 33 are canceled; and claims 39-44 are added. Support for the amendments to the claims may be found, for example, in the originally filed specification and claims. No new matter is added.

Claim 22 was canceled in the October 7 Amendment After Final Rejection. The October 30, 2009 Advisory Action entered the cancellation of claim 22 and withdrew the rejection and objection of canceled claim 22.

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance.

I. Rejections Under 35 U.S.C. §103(a)

A. Wang

The Office Action rejects claims 1, 3, 5-7, 10, 11, 13-16, 21-23, 33, 34 and 37 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0107306 to Wang et al. ("Wang"). By a previous Amendment, claim 22 was canceled rendering its rejection moot. By this Amendment, claim 33 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Wang does not, nor is it asserted to, teach, suggest, or establish a reason or rationale for providing "An emulsion aggregation process for forming curable powder, comprising...b) heating the dispersion to a temperature below the glass transition temperature of the resin to form aggregated particles; c) heating the dispersion containing the aggregated particles to a temperature at or above the glass transition temperature of the resin to form coalesced particles in the dispersion," as recited in claims 1 and 10.

Wang would not have rendered obvious claims 1 and 10. Claims 3, 5-7, 11, 13-16, 21, 23, 34 and 37 variously depend from either claim 1 or claim 10 and, thus, also would not have been rendered obvious by Wang. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

B. Wang and Davydov

The Office Action rejects claims 30 and 31 over Wang in view of U.S. Patent No. 6,491,973 to Davydov et al. ("Davydov"). Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Davydov, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claims 30 and 31, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Davydov would not have rendered obvious claim 1. Claims 30 and 31 variously depend from claim 1 and, thus, require all the limitations of claim 1. Thus, for at least the reasons discussed above, claims 30 and 31 would not have been rendered obvious by Wang and Davydov.

In addition, Wang discloses a coating process where the substrate to be coated is coated with the aqueous dispersion, after which the dispersion is dried and then cured. Because the dispersion is dried on the substrate to be coated, it would not have been obvious to remove the dried dispersion particles and have them "dry-blended with at least one additional additive to form said powder" as recited in claim 30. In other words, Wang describes a process where the components are mixed together in solution, as opposed to dry-blending. Moreover, in view of Wang, there would have been no reason or rationale to remove the dried particles that are on the substrate, dry-blend them with an additional additive, and then recoat the substrate with a dry powder.

Claims 30 and 31 would not have been rendered obvious by Wang and Davydov.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

C. Wang and Patel

The Office Action rejects claims 32, 36, and 38 over Wang in view of U.S. Patent No. 6,210,853 to Patel et al. ("Patel"). By this Amendment, claim 32 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Patel, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claims 36 and 38, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Patel would not have rendered obvious claim 1. Claims 36 and 38 variously depend from claim 1 and, thus, require all the limitations of claim 1. Thus, for at least the above reasons, claims 36 and 38 would not have been rendered obvious by Wang and Patel.

In addition, claim 36 would not have been obvious in view of Wang and Patel. Patel discloses an emulsion aggregation process for making a toner composition, as opposed to a process for forming curable powder. Because Wang does not teach an emulsion aggregation process, one of skill in the art would not have turned to GSDs described in an emulsion aggregation process to modify Wang to have the specifically claimed GSD of "about 1.10 to about 1.25" as recited in claim 36. Thus, because there is no reason or rationale for combining Wang and Patel to yield the features of claim 36, claim 36 would not have been rendered obvious by Wang and Patel.

Wang and Patel would not have rendered obvious claim 36. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

D. Wang and Sacripante

The Office Action rejects claim 35 over Wang in view of U.S. Patent No. 5,989,629 to Sacripante et al. ("Sacripante"). Applicants respectfully traverse the rejection.

The deficiencies of Wang with respect to claim 1 are discussed above. Sacripante, which is only relied upon by the Office Action for its alleged disclosure of the additional limitations recited in claim 35, at least fails to cure the deficiencies of Wang with respect to claim 1. As such, the combination of Wang and Sacripante would not have rendered obvious claim 1. Claim 35 variously depends from claim 1 and, thus, requires all the limitations of claim 1. Thus, for at least the above reasons, claim 35 would not have been rendered obvious by Wang and Sacripante.

In addition, one of skill in the art would not have combined Wang with Sacripante in the first place. Sacripante teaches the preparation of bichromal spheres. In such spheres, each half of the sphere has contrasting colors. Such spheres are useful for display applications in electrophoretic field and not the field of curable powder. Thus, one of skill in the art would not have turned to bichromal spheres, with their unique colorant characteristics, for the claimed colorant content in a curable powder as recited in claim 35.

Claim 35 would not have been rendered obvious by Wang and Sacripante.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

II. Rejoinder

As discussed during the personal interview, Applicants also respectfully request rejoinder of non-elected method claims 17-20 and 24-29. Because claims 17-20 and 24-29 depend from and/or otherwise include all limitations of either claim 1 or claim 10, Applicants respectfully request that upon allowance of claims 1 and 10, claims 17-20 and 24-29 be rejoined as required under MPEP §821.04(a). Because claims 1 and 10 are believed to be

allowable for at least the reasons presented above, Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claims 17-20 and 24-29.

III. New Claims

By this Amendment, new claims 39-44 are presented. New claims 39-44 depend from either claim 1 or claim 10 and, thus, distinguish over the applied references for at least the reasons discussed above with respect to claims 1 and 10. Support for the new claims may be found, for example, in the specification at paragraphs [0047], [0054], and [0077]. Prompt examination and allowance of new claims 39-44 are respectfully requested.

IV. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the application.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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